IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.707 OF 2006

Gulabchand Bujji Prasad Gupta Petitioner

versus

Thakurdevi Bujji Gupta Respondent

Shri Deepak J. Lulia for petitioner.
Mrs.Sangeeta Sackdeo for respondents.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 17th February 2006

PC :

1. Heard Shri Lulia for the petitioner and Mrs.Sackdeo for respondent.

2. It is an unfortunate litigation where the petitioner is the son of the respondent. The petitioner challenges an order passed by the Family Court, Mumbai awarding interim maintenance of Rs.1,250/- per month to the respondent mother and Rs.1,250/- per month to the father of the petitioner herein.

3. In this case where mother is seeking maintenance from the petitioner-son and she is aged 70 years, I was of the view that the parties

can amicably settle this dispute. Accordingly, Shri Lulia made efforts and the petitioner even offered accommodation to the respondent and her husband in Mumbai. However, the mother is not willing to accept this offer.

4. The only grievance made by Shri Lulia is that in the absence of any application and details pertaining to the father of petitioner, the learned Judge was in error in granting interim maintenance.

5. In my view, interest of justice would be served if the petitioner is permitted to apply to the Family Court for modification of order dated 29th September 2005 at least to the extent of award of maintenance to the father and needless to state that on such an application being made, the same will be considered on its own merits and in accordance with law uninfluenced by the observations in the impugned order. Shri Lulia states that the petitioner would pay Rs.1,250/- per month to the respondent mother without prejudice to the rights and contentions in the proceedings before the Family Court. Petition disposed of.

(S.C.DHARMADHIKARI, J.)